

Policy Code: 4309 Student Behavior – Code of Student Conduct

A. ~~Philosophy and Goals~~ PHILOSOPHY AND GOALS

A safe, orderly, and welcoming school environment is essential for student learning. To that end, this Code of Student Conduct is intended to (1) create clear standards and expectations for student behavior; (2) promote integrity and self-discipline among students; (3) encourage the use of behavioral supports and non-disciplinary interventions as alternatives to exclusionary discipline; and (4) provide clear guidance to teachers and administrators as to how, when, and to what extent students may be disciplined for violating conduct rules.

Consistent with these goals, the Board ~~fully~~ endorses and adopts the following ~~“Guiding Principles” from the 2014 U.S. Department of Education publication, “Guiding Principles: A Resource Guide for Improving School Climate and Discipline.”~~ general principles relating to three key domains of student behavior and conduct.

Principle 1: Climate and Prevention

Schools that foster positive school climates can help to engage all students in learning by preventing problem behaviors and intervening effectively to support struggling and at-risk students.

Principle 2: Expectations and Consequences

Schools that have discipline policies or codes of conduct with clear, appropriate, and consistently applied expectations and consequences will help students improve behavior, increase engagement, and boost achievement.

Principle 3: Equity and Continuous Improvement

Schools that build staff capacity and continuously evaluate the school’s discipline policies and practices are more likely to ensure fairness and equity and promote achievement for all students.

B. ROLE OF STAFF, STUDENTS, PARENTS, AND COMMUNITY PARTNERS IN PROMOTING POSITIVE SCHOOL CLIMATES

Positive school climates require ongoing support and collaboration among staff, students, parents, and the community at large. In particular:

- ~~Students~~ have the right to attend school in a safe and orderly environment and to have conduct rules applied fairly to them without regard to race, gender, religion, disability, or other defining characteristics. They also bear the responsibility to understand conduct rules, behave appropriately, and be individually accountable for their own actions and decisions.

- -Parents have the right to be informed of disciplinary actions taken with their children. They are encouraged to support their children in engaging in positive behaviors at school and to partner with teachers and administrators on effective strategies to correct misbehaviors within the parameters of this Code and other applicable policies.
- -Teachers and administrators have statutory duties to maintain safety and order at school and are expected to reinforce and implement clear and consistent behavioral expectations consistent with this Code and other applicable policies. They are also expected to teach and encourage good citizenship and to communicate with parents regarding any serious or persistent disciplinary behavioral issues. As an integral part of its educational mission, each school should identify school-wide behavioral expectations, make them known to students, and link behavioral and social-emotional practices to core instruction, with data-based monitoring and assessments tied directly to the skills taught.
- -The entire community has a vested interest in safe and orderly schools. Community organizations and individual members of the community are encouraged to offer support and assistance to teachers and administrators in the promotion of positive student behaviors at school and to provide feedback to school and central office administrators on ways to improve school climates and help ensure fair and equitable discipline practices.

These rights and obligations are interrelated, but they are also independent. Thus, for example, students' failures to abide by specific behavioral rules do not excuse the failure of school staff to take reasonable measures to nurture and support a generally positive and supportive school climate. Similarly, shortcomings in administrators' or parents' efforts to support and encourage positive student behaviors do not excuse students' violations of specific behavioral rules. To create and maintain the safe, orderly, and positive climate that the entire school community deserves, all stakeholders must work together while remaining individually accountable for their own actions and should strive for continuous improvement over matters within their respective control.

C. APPLICABILITY OF CODE

All students shall comply with ~~the this~~ Code ~~of Student Conduct of the Wake County Public School System, as well as all~~ state and federal laws, school board policies, and local school rules governing student behavior and conduct. This Code applies to any student who is on school property, ~~(which also includes any~~including school transportation), who is in attendance at school or at any school-sponsored activity, or whose conduct at any time, place, or cyberspace, on or off campus, has or is reasonably expected to have a direct and immediate impact on the orderly and efficient operation of the schools or the safety of individuals in the school environment.

D. CORPORAL PUNISHMENT PROHIBITED

The Board strictly prohibits all forms of corporal punishment. No school plan for managing student behavior may authorize the use of corporal punishment. CorporalFor

purposes of this policy, corporal punishment is the intentional infliction of physical pain upon the body of a student as a disciplinary measure. It includes, but is not limited to, spanking, paddling, and slapping. ~~The Wake County Board of Education prohibits corporal punishment, believing that other consequences are more appropriate and effective for teaching self-control.~~ No teacher, substitute teacher, student teacher, bus driver, or other employee, contractor, or volunteer may use corporal punishment to discipline any student. Violations of this prohibition may result in disciplinary action, up to and including dismissal. Reasonable force that is necessary to protect oneself or others is not considered corporal punishment.

E. ~~RANGE OF INTERVENTIONS, SUPPORTS, AND DISCIPLINARY~~ ACTIONS/RESPONSES TO BEHAVIORAL CONCERNS

Multi-Tiered System of Support

~~Violation of Board policies, the Code of Student Conduct, regulations issued by the individual school, or North Carolina General Statutes may result in some level of disciplinary action.~~ Teachers and principals ~~are encouraged to~~ will utilize a Multi-Tiered System of Support (MTSS) for behavioral interventions and ~~disciplinary consequences to accomplish a~~ responses to promote positive changes in student behavior. By utilizing MTSS, school staff engage in data-based problem solving using academic, behavioral, and social-emotional data to identify reasons why particular students may be experiencing significant academic and/or behavioral challenges. Designated central office staff will provide ongoing training and support to school-based staff in the development, implementation, and monitoring of district-approved MTSS protocols. Data and analysis on the effectiveness of these measures will be shared periodically with the Board.

Notification to Parents

When a ~~student violates the Code of Conduct and a significant~~ behavioral intervention (beyond mere redirection or warning) is implemented ~~or in-school discipline consequence~~ is imposed, the school will attempt to notify the parent or legal custodian. The school will also attempt to notify the parent or legal custodian of any in-school disciplinary consequence that results in removal from normal classroom or school activities. This includes lunch or after-school detention, in-school suspension, or suspension from school-sponsored extracurricular activities. For out of school suspensions, the administration will provide formal written notice to parents or legal custodians as required ~~in our~~ by the Board's "Due Process" policy.

Range of Interventions and Consequences

When student behaviors interfere with a safe, orderly, and respectful school environment where instruction and learning can flourish, schools should consider (consistent with MTSS protocols) a range of potential interventions and consequences to address the problematic behavior and to reinforce positive behaviors. When feasible,

taking into account the specific facts and circumstances of each individual case, schools are encouraged to implement *non-disciplinary* behavioral interventions. Non-disciplinary interventions are responses to problematic behaviors that attempt to support students in learning to make more positive choices, minimize exclusion from instruction and other normal school activities, and do not result in a loss of privileges. Examples of non-disciplinary interventions include, but are not limited to: (1) student-parent-teacher or student-parent-administrator conferences; (2) behavior contracts; (3) reward systems; (4) oral or written warnings; (5) referrals to school counselors; (6) referrals to programs or agencies that support at-risk students; (7) peer mediation; and (8) restorative justice practices. Teachers and administrators are encouraged to solicit the assistance of their Student Support Teams designated school-based or central office staff in developing appropriate responses and interventions in specific cases.

Only when non-disciplinary interventions are, in the discretion of responsible school officials, deemed unlikely to be sufficiently effective to promote the goals outlined in this policy should *disciplinary consequences* be considered. Disciplinary consequences may be “exclusionary” or “non-exclusionary.” *Exclusionary* discipline consequences are responses to problematic behaviors that expressly exclude a student from instructional time for more than a brief interval (as may be needed, for example, to question a student during a disciplinary investigation). Examples include in-school suspension, out-of-school suspension, and expulsion. *Non-exclusionary* discipline consequences are responses that result in a loss of privileges or imposition of other consequences that do not include exclusion from instructional time. Examples may include, when appropriate (1) lunch or after-school detention; (2) school or community service; or (4) restitution.

~~Most behavioral interventions and disciplinary consequences can occur with the student remaining in school. Examples of in-school interventions include but are not limited to: behavior contract, peer mediation, in-school suspension, conflict resolution, detention, restitution, loss of privileges, and school or community service. If the principal deems it appropriate to require a student to stay after school for detention for a disciplinary reason, the principal may authorize such detention provided the parent or guardian has received at least one day's notice and has agreed to assume responsibility for transportation home. Recognizing that removal of students from school~~
~~exclusionary discipline~~ can exacerbate behavioral problems, diminish academic achievement, and hasten school drop outs, the Board ~~encourages~~ urges ~~teachers and school administrators~~ schools to use ~~in-school disciplinary~~ non-exclusionary measures when ~~possible~~ feasible and to reserve ~~out-of-school suspensions~~ exclusionary discipline for more serious misconduct, such as behavior that threatens the safety of students, staff, or visitors or threatens to substantially disrupt the educational environment.

~~Except to the extent that North Carolina law requires school administrators to recommend a 365-day suspension for any student who violates Rule IV-1 Firearm/~~

~~Destructive Device K-12, this Code authorizes, but does not require, the use of out-of-school suspensions.~~

~~Students who violate rules II-6, II-14, III-7, and III-9 (or any rule within the student code of conduct) resulting in evacuation of a school-system-owned building, may be required to pay a restitution fee to compensate for the disruption and cost of the evacuation and any related emergency service response, in addition to any other allowable disciplinary consequence. If an emergency service or law enforcement agency imposes a fee or fine on the school or district for costs incurred as a result of the student's conduct, such costs will be assessed to the student and his or her parents. If a fine is not imposed by an outside agency, then the superintendent may calculate a standard restitution fee to reasonably compensate for the cost and disruption of a campus evacuation, which fee will be approved by the board. The superintendent will develop procedures regarding the assessment and collection of restitution fees, including a process for granting waivers or alternative service for students without the ability to pay.~~

Except to the extent that North Carolina law requires school administrators to recommend a 365-day suspension for any student who violates Rule IV-1 Firearm/Destructive Device K-12, this Code authorizes, but does not require, the use of out-of-school suspensions.

~~When, after considering potential aggravating and mitigating factors, the school principal determines a student's behavior warrants an out-of-school suspension, the principal may impose a short-term suspension or, for more serious violations of the Code of Conduct, may recommend a long-term suspension (greater than ten [10] days), a 365-day suspension or expulsion, to the extent permitted by law and this policy.~~

- ~~• Suspensions of more than ten (10) days may be imposed only if they have been approved by the Superintendent or designee. The Board of Education must approve any expulsion from school based on a recommendation of both the principal and the Superintendent.~~
- ~~• In determining the length of a suspension, the principal should consider that the duration of a suspension has a disproportionate impact on students attending a school on block schedules.~~
- ~~• Nothing in this policy shall be interpreted to conflict with state and federal laws governing students with disabilities.~~

~~Students in grades K-5 shall not be subject to long-term suspension except as required by law or in cases involving serious injury to students or staff or serious threat to safety or welfare of members of the school community.~~

After-School Detention

After-school detention may preclude a student from using bus transportation or create other transportation difficulties. If the a school principal deems it appropriate to require a student to stay after school for detention for a disciplinary reason, the principal may

authorize such detention provided only if the parent or guardian has received at least one day's notice and has agreed to assume responsibility for transportation home.

F. SPECIAL REQUIREMENTS FOR OUT-OF-SCHOOL SUSPENSION AND EXPULSION

Out-of-school suspension and expulsion are allowed only if specifically authorized by this Code and the Board's "Due Process" policy. Except to the extent that North Carolina law requires school administrators to recommend a 365-day suspension for any student who violates Rule IV-1 Firearm/ Destructive Device K-12, this Code authorizes, but does not require, the use of out-of-school suspensions.

In addition to the notice and due process requirements set out in the "Due Process" policy, administrators must adhere to the following requirements before imposing or recommending any out-of-school suspension or expulsion:

- When deciding whether to recommend a long-term suspension (suspension of more than ten [10] days) or determining the specific length of any short-term suspension or long-term suspension recommendation, principals may consider any relevant "aggravating" or "mitigating" factors of which they are aware. "Aggravating" factors are factors that tend to increase the seriousness of a disciplinary infraction. "Mitigating" factors are factors that tend to decrease the seriousness of disciplinary infraction. Aggravating and mitigating factors are "relevant" when, in the judgment of responsible school officials, they have a bearing on the student's level of responsibility for the behaviors in question. When both aggravating and mitigating factors are present, principals should exercise their discretion in weighing and balancing them.
- Suspensions of more than ten (10) days may be imposed only if they have been approved by the Superintendent or designee and the student has been offered the opportunity for a hearing under the Board's "Due Process" policy. The Board must approve any expulsion from school based on a recommendation of both the principal and the Superintendent.
- In determining the length of a suspension, the principal should consider that the duration of a suspension has a disproportionate impact on students attending a school on block schedules.
- Nothing in this policy shall be interpreted to conflict with state and federal laws governing students with disabilities.
- Students in grades K-5 shall not be subject to long-term suspension except as required by law or in cases involving serious injury to students or staff or serious threat to safety or welfare of members of the school community.

GF. LEVELS OF VIOLATION CODE

The ~~Student~~ Code of ~~Student~~ Conduct rules are leveled, indicating according to the severity of violation-seriousness of the behaviors and type-range of potential disciplinary consequences.

Level I: ~~Level I rule violations should result in in-school interventions rather than out of school suspensions. If, in any given year, there have been at least two interventions, a student may receive an out-of-school suspension of up to two (2) days based on a persistent pattern of Level 1 rule violations occurring during the same school year, or in cases where a student refuses to participate in the assigned in-school interventions. Level I rule violations shall not result in a long-term suspension.~~ Level I rule violations are less serious and can generally be addressed with non-disciplinary interventions or non-exclusionary discipline consequences. Except in the very limited circumstances described in Rule II-1 and only as a violation of that particular rule, Level I rule violations may not result in out-of-school suspension.

Level II: Level II rule violations involve more serious misconduct that may warrant ~~a short-term suspension of up to five (5) school days~~ when, in the judgment of the principal or designee, non-disciplinary interventions and non-exclusionary discipline consequences are insufficient to address the behavior and prevent its recurrence. Principals may impose a short-term suspension of ~~six (6) -to ten (10)~~ days or recommend a long-term suspension of eleven (11) days or more based on one or more aggravating factor(s) regarding the severity of the violation and/or safety concerns, provided such aggravating factor(s) are listed in the written suspension notice.

Level III: Level III rule violations are more severe in nature and may support long-term suspension. The principal may impose a short-term suspension of ten (10) days or less or decline to impose any suspension based on mitigating factors.

Level IV: ~~The only rule in Level IV rule violations compromise the safety and welfare of students and staff and require a suspension under NC General Statutes is one that reflects a statutory prohibition on the possession of a "firearm" or "destructive device" (as defined in the rule) on school property or at a school-sponsored event. State law requires principals to recommend a 365-day suspension for all violations of this rule. Only the Superintendent or Board of Education may modify this outcome. A level IV incident is always extremely serious and is treated as such.~~

Level V: Level V allows for permanent expulsion of a student from the Wake County Public School System, as provided by state statute, for a violation of the Code of Conduct, if the student is fourteen (14) years of age or older and the student's behavior indicates that his/her continued presence in school constitutes a clear threat to the safety of other students or employees and the Board determines there is no appropriate alternative education program. for violation of one or more Level II, III, or IV rules in this Code if the following criteria are met: (1) the student is fourteen (14) years old or older; (2) both the principal and the superintendent/designee recommend expulsion; (3) the superintendent and Board determine, consistent with the Board's "Due Process" policy, that there is a significant or important reason not to offer the student alternative educational

services; and (4) the Board determines, by clear and convincing evidence, that the student's continued presence in school constitutes a clear threat to the safety of other students or school staff. Additionally, any student who is a registered as a sex offender under N.C. General Statutes 14-208 Article 27A of Chapter 14 of the North Carolina General Statutes may be expelled in accordance with these procedures. If such a student is offered alternative education services on school property, the student must be under the supervision of school personnel at all times.

HG. RULES OF CONDUCT

LEVEL I

I-1 Noncompliance**Compliance with Directives**: Students shall comply with all directions of school personnel or volunteers who are authorized to give such directions lawful and reasonable directives of school employees, including but not limited to directives to identify oneself, to remove oneself from a dangerous or disruptive situation, or to report to a designated person or location.

I-2 Disrespect: Students shall exhibit appropriate respect towards school personnel and volunteers Mutual respect is expected between students and staff. Students will refrain from words (written or oral) and/or gestures that demean, degrade, antagonize, or humiliate a school employee or volunteer. Examples may include ridiculing, cursing at, or aggressively or angrily shouting at an employee or volunteer.

I-3 School/Class Attendance: Being tardy to class, skipping class/school, leaving campus without permission, or being in an unauthorized area is prohibited. Out of school suspension should be used as a last resort as a consequence for violation of this rule. Students will attend school each school day except in the case of excused absences. Students will be on time to school and on time to class, will refrain from entering unauthorized areas, and will remain at school and in the designated locations for the duration of each school day unless excused.

I-4 Inappropriate**Unacceptable Language**: Cursing or use of vulgar, profane, or obscene language, oral or written, is prohibited. If such language is directed at a school employee or volunteer, such conduct should be treated as "Disrespect" under Rule I-2.

I-5 Inappropriate**Student Dress Code**: Principals shall exercise appropriate discretion in implementing this policy, including making reasonable accommodations on the basis of student's religious beliefs or medical conditions. Students are expected to adhere to standards of dress and appearance that are compatible with an effective learning environment. Presenting a bodily appearance or wearing clothing which is disruptive, provocative, revealing, profane, vulgar, offensive or obscene, or which endangers the health or safety of

~~the student or others is prohibited. Examples of prohibited dress or appearance include, but are not limited to exposed undergarments; sagging pants; excessively short or tight garments; bare midriff shirts; strapless shirts; attire with messages or illustrations that are lewd, indecent or vulgar or that advertise any product or service not permitted by law to minors; head covering of any kind; see-through clothing; attire that exposes cleavage; any adornment such as chains or spikes that reasonably could be perceived as or used as a weapon; and any attire that is prohibited by rule III-2. Individual schools are free to specify additional examples of dress or appearance that are prohibited at that school under the terms of this policy.~~

~~If a student's dress or appearance is such that it constitutes a threat to the health or safety of others, distracts the attention of other students or staff from their work, or otherwise violates this dress code, the principal or principal's designee may require the student to change his or her dress or appearance. Student dress will adhere to the standards set out in the "Student Dress Code" policy.~~

I-6 Electronic Devices: Personal technology devices (including, but not limited to smart phones, tablets, and laptops, ~~etc.~~) may be used by students for instructional purposes with the permission and under the supervision of the teachers in compliance with the Technology Responsible Use policy. The use of personal technology devices to engage in other forms of misconduct (e.g., bullying, harassment, or threats) may result in consequences under rules in this Code. Malicious or intentionally destructive use of technology devices or resources (e.g., hacking, password theft, or introduction of viruses) may result in consequences under Rule II-3. The school system assumes no responsibility for personal technology devices brought to school.

~~The school system assumes no responsibility for personal technology devices brought to school.~~

I-7 Trespassing: No student ~~shall~~ will be on the campus of any school except the one to which the student is assigned without the knowledge and consent of the officials of that school. Students who remain at school after the close of the school day or come onto school grounds when school is not in session without permission will be considered trespassers. If the student does not leave when instructed to do so, he/ she may be prosecuted. A student under suspension from school is trespassing if he/she appears on the property of any school or at any school sponsored activity during the suspension period without the express permission of the principal. Students who trespass on school property to engage in other forms of misconduct (e.g., fighting/physical aggression or theft) may be subject to consequences under other applicable rules in this Code, and the act of trespassing may be considered an aggravating factor.

I-8 Tobacco and Vaporizers: Student health and well-being is of the highest priority. ~~No~~ For this reason, no student shall possess, display, or use any tobacco

product, vaporizer, or vaporizer product. This restriction applies even when the student is on school system property or at any school-sponsored activity as a visitor or spectator. For the purpose of this policy rule:

a. Tobacco Product: cigarettes, ~~e-cigarettes~~, cigars, pipes, chewing tobacco, snuff, and any other items containing ~~or reasonably resembling~~ tobacco or ~~tobacco products~~ nicotine.

b. Tobacco Use: smoking, chewing, dipping, or any other use of tobacco products.

c. Display: having any tobacco product in a location or position that is visible to students or school personnel.

d. Vaporizer: a device that generates a vapor for inhalation ("vaping"), whether or not the device is intended for or used to ingest nicotine products.

e. Vaporizer Product: a cartridge, fluid, or other substance that is converted into a vapor for inhalation by a vaporizer, whether or not the substance contains nicotine.

The exceptions to this policy rule are:

d. The display of tobacco products, vaporizers, or vaporizer products does not extend to display that has a legitimate instructional or teaching purpose and is approved by a teacher or school administrator, and

e. A principal may permit tobacco products, vaporizers, or vaporizer products to be included in instructional or research activities ~~in the at~~ school ~~building~~ if the activity is conducted or supervised by the faculty member overseeing the instruction or research and the activity does not involve smoking, chewing, or otherwise ingesting the tobacco product or inhaling or otherwise ingesting the vaporizer product.

I-9 Gambling: Students shall not participate in any unauthorized games of chance in which money or items of value may be won or lost.

I-10 Integrity: Students are expected to be honest and forthright with school staff and volunteers. Lying, intentionally misleading, and actively concealing the truth from staff and volunteers are prohibited. Dishonest acts or statements that violate other rules in this Code (e.g., falsely denying that a student knows about the existence of a firearm on school property) may result in consequences under those other rules. Dishonesty may also be considered as an aggravating factor in connection with other forms of misconduct.

I-11 Honor Code: All students are expected to adhere to the academic “Honor Code” policy.

LEVEL II

~~**II-1 Integrity:** Any student who engages in or attempts to engage in cheating, plagiarism, falsification, violation of software copyright laws, or violation of computer access shall be subject to disciplinary action. The following actions are specifically prohibited:~~

- ~~a. Cheating—giving or receiving of any unauthorized assistance on academic work.~~
- ~~b. Plagiarism—copying the language, structure, or idea of another and representing it as one's own work.~~
- ~~c. Falsification—verbal or written statement of any untruth.~~
- ~~d. Violation of software copyright laws—unauthorized duplication of computer software (computer piracy), printed material related to computer software, and/or the use of pirated computer software.~~

II-1 Repeated / Willful Violations of Level I Rules: A student may be subject to out-of-school suspensiondisciplinary consequences under this Rule for repeated, willful violations of any Level I rules, but only if (1) the school has documented at least three prior violations of the same Level I rule prior within the same academic semester; (2) appropriate MTSS non-disciplinary interventions have been attempted and documented with each of those last three violations; (3) school administrators have contacted the student and parent to warn them of the possibility of out-of-school suspension before the final incident that leads to the suspension; and (4) the area superintendent has approved the imposition of the short-term suspension. In addition, a student may be subject to out-of-school suspensiondisciplinary consequences under this rule if he or she willfully refuses to participate in and successfully complete the assigned consequence. non-disciplinary interventions.

II-2 Inappropriate Literature, Illustrations and Images: The possession of literature, illustrations, or other images which significantly disrupt the educational process or which are obscene is prohibited.

~~**II-3 Violation of computer access:** No student shall engage in conduct prohibited by the Technology Responsible Use policy.~~ **Hacking and Unauthorized Computer Access:** Students will comply with all state and federal laws and regulations governing access to computers, computer networks, stored data, passwords, and other technology systems and resources and will refrain from all forms of computer or network “hacking,” whether criminal or not. Any willful or

knowing effort to obtain unauthorized access; to steal; to maliciously alter, modify, or destroy; to introduce viruses; or otherwise to cause harm to any such computer, computer network, stored data, or other technology resource is a violation of this rule.

II-4 Substantially Disruptive or Dangerous Behavior: Any physical or verbal disturbance that significantly interrupts or interferes with teaching or orderly conduct of class/school activities is prohibited. Students will not make oral or written statements or intentionally engage in conduct that, despite efforts that, despite efforts by staff to intervene or redirect the behavior, (1) substantially disrupts the educational environment or (2) threatens the health, safety, or welfare of staff or students. Words or conduct that would otherwise be a Level I violation (e.g., failure to comply with directives or unacceptable language) may also constitute a violation of this Level II rule if they (1) persist directly following attempts by staff to intervene or redirect the behavior and substantially disrupt teaching, learning, or the orderly conduct of school activities or (2) inherently threaten the health, safety, or welfare of staff or students. Examples include, but are not limited to, continuing to shout or use profanity after intervention or redirection, continuing to engage in disruptive rough-housing or horseplay after intervention or redirection or in a manner that is reasonably likely to cause injury, or throwing objects after intervention or redirection or in a manner that is reasonably likely to cause injury.

II-5 School Transportation Disturbance: Disturbances on school buses or other transportation vehicles or near streets at school bus stops can put many students at risk. Any physical or verbal disturbance which occurs on school transportation vehicle or at a bus stop and which interrupts or interferes with the safe and orderly operation of the vehicle or otherwise puts others at risk of harm is prohibited.

II-6 False Fire Alarm or Reported Emergency: Smoke and fire alarms and other emergency systems are vital for the safe operation of schools and must not be tampered with. No student shall set off, attempt to set off, or aid and abet anyone in giving a false fire alarm. No student shall interfere with or damage any part of a fire alarm, fire detection, smoke detection, fire extinguishing system, or emergency escape system. Additionally, no student shall make a report, knowing or having reason to know that the report is false, of a bomb, explosive device, hazardous chemical, terrorist attack, school shooter, or other danger on school property or at a school-sponsored activity. Students are advised that, in addition to constituting a serious disciplinary issue, the false reporting of any act of "mass violence," as that term is defined in Rule III-8, is a felony under North Carolina law.

II-7 Fire Setting/Incendiary Material: Fires and fire-setting materials pose of risk of harm to everyone in the school environment. The possession of any incendiary material (including but not limited to matches, lighters, or lighter fluid) or the use of any material reasonably likely to result in a fire on school property is prohibited.

II-8 Property Damage: No student shall intentionally damage or deface or attempt to damage or deface any school ~~property or property, or the~~ personal property of another.

II-9 Theft: No student shall steal, attempt to steal, or knowingly be in possession of stolen property.

II-10 Extortion: No student shall ~~attempt to extort money, personal property, or personal services.~~ obtain or attempt to obtain money, property, or other items of value or compel another person to take action or refrain from action against that person's will by means of force, intimidation, or threat.

II-11 Indecent Exposure/Sexual Behavior: No student shall engage in behavior, whether consensual or non-consensual, which is lewd, indecent, ~~consensual,~~ ~~overly affectionate,~~ or of a sexual nature.

II-12 Harassment/Bullying: No student shall engage in conduct prohibited by the Board's "Prohibition against Discrimination, Harassment, and Bullying" policy.

II-13 Sexual Harassment: No student shall engage in conduct prohibited by the Board's "Prohibition against Discrimination, Harassment, and Bullying" policy.

II-14 Threat/False Threat: No student shall make any threat through written or verbal language, sign, or act which conveys a serious expression of intent to cause harm or violence. Furthermore, no student shall make a false threat of harm or violence, even jokingly, which causes or is reasonably likely to cause fear or a disruption to school activities. Any threat or false threat that is particularly disruptive or causes exceptional fear may result in long-term suspension based on aggravating factors noted in the suspension notice.

~~Furthermore, no student shall make a false threat of harm or violence, even jokingly, which causes or is reasonably likely to cause fear or a disruption to school activities.~~

II-15 Physical Aggression/Fighting: Physical aggression toward ~~or and~~ fighting ~~toward~~with students, staff, or visitors ~~and other people is are~~ prohibited. A student who is attacked may use reasonable force in self-defense, but only to the extent necessary to get free from the attack and notify proper school authorities. A student who exceeds reasonable force may be disciplined even though someone else provoked or initiated the fight.

No student shall engage in fighting or physical aggression towards others, including but not limited to The prohibition on fighting and physical aggression includes, but is not limited to:

a. Choking, hitting, slapping, shoving, scratching, spitting, biting, blocking the passage of, or throwing objects at another person in an aggressive, confrontational or dangerous manner.

b. Taking any action or making comments or writing messages that might reasonably be expected to result in a fight or physical aggression.

II-16 Failure to Report Firearm or Destructive Device: Any student who has knowledge reason to believe that another student possesses or intends to bring a “firearm” or “destructive device,” as defined in Rule IV-1, onto any school campus or to any school activity shall report this information to school or law enforcement authorities immediately.

II-17 Hazing: No group or individual shall require a student to wear abnormal dress; play abusive or ridiculous tricks on him or /her; or frighten, scold, beat, harass, or otherwise subject him or her to personal indignity as a condition of inclusion in group or as a ritual associated with group membership. Hazing is prohibited even if the person hazed consents to the conduct.

II-18 Search and Seizure: ~~A student's failure to permit searches and seizures as provided in Policy for Student Searches is prohibited~~Students may not refuse to allow and may not seek to impede any search or seizure of their person or belongings that is authorized under the Board's “Student Searches” policy.

II-19 Aiding and Abetting: ~~No student shall aid or abet another student~~Students shall not assist or facilitate others in violating any Level II, III, or IV rule in ~~the Code of Student Conduct~~this Code.

LEVEL III

III-1 Narcotics, Alcoholic Beverages, Controlled Substances, Chemicals, and Drug Paraphernalia: Drugs and alcohol present serious risks of harm to all persons, especially adolescents, and drug and alcohol overdoses and abuse result in well over 100,000 deaths each year in the United States alone. Addiction can start slowly and take hold before a person realizes he or she is addicted. It can destroy relationships, shatter dreams and ambitions, and lead to imprisonment, brain damage, disfiguring injury, and death. Students who are struggling with addiction or who are tempted or feeling pressured to use intoxicating drugs or alcohol are urged to seek help immediately from a parent, teacher, counselor, administrator, or other trusted adult. No student will face disciplinary consequences for coming forward, proactively, to seek help while not in possession of or under the influence of contraband. Help is available, and recovery is possible.

That said, the Board has a solemn duty to adopt policies that are reasonably designed to keep its school and students safe. To that end, the Board strictly

prohibits all narcotics, alcoholic beverages, unauthorized prescription drugs, and similar substances at schools and school-sponsored activities. ~~No~~ Specifically, no student shall possess, use, distribute, sell, possess with intent to distribute or sell, ~~or~~ conspire or attempt to distribute or sell, purchase, or be under the influence of any narcotic drug, opioid, ~~hallucinogenic drug~~, amphetamine, barbiturate, marijuana or cannabis product, anabolic steroid, ~~other~~ controlled substance, any alcoholic beverage, ~~malt beverage, fortified wine, other intoxicating liquor,~~ drug paraphernalia, counterfeit substance, any unauthorized prescription drug, or any other chemicals or products with the intention of bringing about a state of exhilaration, euphoria, or of otherwise altering the student's mood or behavior. The proper use of a drug authorized by valid medical prescription from a legally authorized health care provider shall not be considered a violation of this rule when the drug is taken by the person for whom the drug was prescribed.

The following definitions apply to this rule:

- a. Possession: Having the prohibited substance on the student's person or in another place where the student, either alone or jointly with others, has control over it. This may include, but is not limited to, possession of a prohibited substance in an automobile, locker, book bag, or desk.
- b. Use: The consumption, injection, inhalation, ingestion, or absorption of a prohibited substance into a student's body by any means.
- c. Under the influence: ~~The use of any~~ Having used a prohibited substance ~~when the prohibited substance would~~ such that it continues to influence a student's mood, behavior, or learning to any degree.
- d. Counterfeit Substance: Any substance that is described or presented with the intention of deceiving another into believing that it is a substance prohibited under this ~~policy~~ rule.
- e. Unauthorized Prescription Drug: Any prescription drug or medication that ~~has not been prescribed for the student~~ is used or possessed by someone other than the person for whom the prescription was written.
- f. Drug Paraphernalia: Objects that are used or intended to be used for ingesting, injecting, inhaling, or otherwise introducing ~~controlled substances~~ a substance prohibited by this rule into the body, ~~e.g., pipes, rolling papers, roach clips~~ including but not limited to pipes, vaporizers, rolling papers, and syringes. Relevant evidence may be considered in determining whether an object is drug paraphernalia.
- g. Conspiracy: An agreement by two or more persons to commit an unlawful act in violation of this ~~policy~~ rule.

h. Sell: ~~The To~~ exchange ~~of a prohibited substance~~ prohibited by this rule for money, property, or any other benefit or item of value.

i. Possess with Intent to Distribute/Sell: Intent to distribute or sell may be determined from relevant evidence such as the amount of the prohibited substance found; the manner in which it was packaged; the presence of packaging materials such as scales, baggies or other containers; ~~or from and the~~ statements or actions of ~~the students that demonstrate an intent to distribute or sell.~~

j. ~~Distribution~~Distribute: To transmit a prohibited substance to one or more other students, with or without compensation. For purposes of this definition, a student has not "distributed" a prohibited substance (but may be guilty of "possession" or "use") if the student's only involvement is to share or pass a prohibited substance with other students in the course of using it, so long as the student was not the one who brought the prohibited substance onto school property or otherwise made it available to other students. ~~A student may be guilty of "distributing" a prohibited substance even if the substance is given freely rather than exchanged for something of value.~~

When a first infraction of this policy rule involves only possession, use, conspiracy to possess, ~~or~~ use, and/or being under the influence of a substance prohibited by this ~~policy rule~~, and ~~the a~~ long-term suspension recommendation for violation of this rule is not supported by any other rule violations that independently support long-term suspension, an alternative to long-term suspension shall be offered. The alternative shall consist of a short-term suspension of five (5) days and shall also require participation in a corrective education and/or counseling on condition that the student participates in and completes an approved Alternative Counseling and Education (ACE) program. The program shall be designed by the superintendent and agreed to in writing by the parent, guardian, student, and school principal. Parents, guardians, and students shall be provided information by school authorities concerning approved alternative ACE programs. Declining this opportunity or failing to meet any requirements of the alternative learning ACE program reactivates the underlying long-term suspension or alternative learning education program assignment.

III-2 Gang and Gang Related Activity: The Board ~~of Education~~ believes that gangs and gang-related activities pose a serious safety threat to students and staff members of the Wake County Public School System and can significantly disrupt the educational environment. Even actions that are not innately dangerous, such as displaying hand signs, wearing items of particular colors, and speaking with special jargon can substantially increase the risks of criminal activity and physical injury when those signs and signals are used to support, signal, promote, or encourage gang activity or affiliation. Students who feel pressured to participate in or condone gang activities are urged to seek help from teachers, administrators, parents, and law enforcement officers. Help is available.

a. No student shall participate in any gang-related activities. For purposes of this [policy rule](#):

i. A gang is any ongoing organization, association, or group of three or more persons, whether formal or informal, having as one of its primary activities the commission of criminal acts, and having a common name or common identifying sign, colors or symbols.

ii. Gang-related activities are any activities engaged in by a student on behalf of an identified gang; to perpetuate the existence of an identified gang; to [effect-promote](#) the common purpose and design of an identified gang; or to represent gang affiliation, loyalty, or solidarity.

b. Conduct prohibited by this [policy rule](#) includes:

i. Wearing, possessing, using, distributing, displaying, or selling any clothing, jewelry, emblems, badges, symbols, signs, visible tattoos and body markings, or other items, with the intent to convey or promote membership or affiliation in any gang;

ii. Communicating either verbally or non-verbally (gestures, handshakes, slogans, drawings, etc.), with the intent to convey or promote membership or affiliation in any gang;

iii. Tagging, or otherwise defacing school or personal property with symbols or slogans intended to convey or promote membership or affiliation in any gang;

iv. Requiring payment of protection, money or insurance, or otherwise intimidating or threatening any person in connection with gang-related activity;

v. Inciting other students to intimidate or to act with physical violence upon any other person in connection with gang-related activity;

vi. Soliciting others for gang membership;

vii. Committing or conspiring to commit illegal act in connection with gang-related activity.

c. When a first infraction involves only the wearing of gang-related attire, the student shall receive a warning and be allowed to immediately change or remove the attire as an alternative to disciplinary action.

d. The Superintendent or Superintendent's designee shall regularly consult with law enforcement officials to identify examples of gang-related items, symbols and

behaviors and shall provide each principal with this information. Parents and students shall be notified that such information is maintained in the principal's office, that it is subject to change, and that the principal's office may be consulted for updates. In providing this information for parents and students, the school system acknowledges that not all potential gang indicators connote actual membership in a gang.

III-3 Weapons/Dangerous Instruments/Substances: No student shall possess, handle, or transmit any weapon, facsimile of a weapon, dangerous instrument/substance or other object that can reasonably be considered or used as a weapon or dangerous instrument/substance. This does not apply to any student who finds a weapon or dangerous instrument/substance on school property or receives it from another person on school property and who immediately reports the weapon or dangerous instrument/substance to school or law enforcement authorities.

The following definitions apply to this rule:

- a. **Weapon:** Any firearm, BB gun, stun gun, air rifle, air pistol, ammunition, power loads, fireworks, knife, slingshot, leaded cane, blackjack, metallic knuckles, razors, razor blades except cartridge razors used solely for personal shaving, box cutter, mace, pepper spray, and other personal defense sprays, and any sharp- pointed or edged instrument except instructional supplies, unaltered nail files and clips and tools used solely for preparation of food, instruction, and maintenance.
- b. **Dangerous Instruments/Substances:** Any object or substance that is possessed, handled, transmitted, or used for the purpose of causing or attempting to cause physical injury.
- c. **Facsimile of a Weapon:** Any copy of a weapon that could reasonably be perceived to be a real weapon.

Note: Refer to Level IV: Level-Rule IV-1 for violations involving Firearms/Destructive Devices.

III-4 Assault on a Student: No student shall cause or attempt to cause serious physical injury to another student. For the purposes of this policy, serious physical injury shall refer to any significant or aggravated bodily injury, including but not limited to broken bone(s), loss or chipping of teeth, loss or impairment of vision, loss of consciousness, internal injuries, scarring or other disfigurement, significant bleeding, lacerations resulting in sutures, significant bruising, severe or prolonged pain, any injury requiring hospitalization for any period of time, and/or any injury resulting in medical treatment beyond simple first aid procedures.

III-5 Assault on School Personnel or Other Adult: No student shall cause or attempt to cause physical injury to any school employee or other adult.

Note: If a teacher is assaulted or injured by a student and as a result the student is reassigned to alternative education services, long-term suspended, or expelled, the student shall not be returned to that teacher's classroom unless the teacher consents.

III-6 Assault Involving Weapon/Dangerous Instrument/Substances: No student ~~in grades 6-12~~ shall assault another using a weapon, dangerous instrument, or dangerous substances.

Note: Refer to Level IV: [Rule IV-1](#) for violations involving Firearms/Destructive Devices.

III-7 Bomb Threats: No student shall make a bomb threat or hoax by making a false report that a device designed to cause damage or destruction by explosion, blasting, or burning is located on the school premises or at the site of school activities, or by placing or concealing an object or artifact on school property or the site of school activities so as to cause any person to reasonably believe the object or artifact to be a bomb or other destructive device.

~~No student shall with the intent to perpetrate a hoax, conceal, place or display on school property or the site of school activities any device or artifact so as to cause any person reasonably to believe the same to be a bomb or other destructive device.~~

~~**III-8 Bomb Threat:** Aiding/Abetting No student shall aid, and/or abet in making a bomb threat or hoax by making a false report that a device designed to cause damage or destruction by explosion, blasting, or burning is located on the school property or at the site of school activities.~~

III-~~89~~ Acts of TerrorThreats of Mass Violence

~~a. No student shall make a report that he or she knows or should know is false, that any device, substance or material designed to cause harmful or life threatening illness or injury to another person, is located on school property or at the site of a school activity.~~

~~b. No student shall, with intent to perpetrate a hoax, conceal, place, disseminate or display on school property or at the site of a school activity any device, machine, instrument, artifact, letter, package, material, or substance, so as to cause a reasonable person to believe the same to be a substance or material capable of causing harmful or life-threatening illness or injury to another person.~~

~~c. No student shall threaten to commit an act of terror on school property or at the site of a school activity that is designed to cause, or is likely to cause, serious injury or death to another person, when the threat is intended to cause, or actually causes, a significant disruption to the instructional day or a school-sponsored activity.~~

~~d. No student shall make a report that he or she knows is false, that an act of terror designed to cause, or likely to cause, serious injury or death to another person on school property or at the site of a school-sponsored activity is imminent, when that report is intended to cause, or actually causes, a significant disruption to the instructional day or a school-sponsored activity.~~

~~e. No student shall aid, abet, and/or conspire to commit any of the acts described in section a-d of this policy.~~

No student shall, by means of communication to any person or group, threaten to commit an act of mass violence on educational property or at a curricular or extracurricular activity sponsored by a school. For purposes of this rule, "mass violence" is physical injury that a reasonable person would conclude could lead to permanent injury (including mental or emotional health) or death to two or more people.

LEVEL IV

IV-1 Firearm/ Destructive Device K-12: Any ~~As required by state law, any~~ student in grades K-12 shall be recommended for suspended suspension for 365 calendar days for bringing a "firearm" or "destructive device" onto school property or to a school-sponsored event off school property, or for possessing a "firearm" or "destructive device" on school property or at a school-sponsored event off school property. School property includes any property owned, used, or leased by the Board of Education, including school buses, other vehicles, and school bus stops. Principals are required to refer to the law enforcement system any student who brings a firearm or weapon to school.

The following definitions apply to this rule:

a. Firearm: A weapon, including a starter gun, which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of any such weapon; or any firearm muffler or firearm silencer. The term shall does not include an inoperable antique firearm, a BB gun, stun gun, air rifle, or air pistol.

b. Destructive Device: An explosive, incendiary, or poison gas; bomb; grenade; rocket having a propellant charge of more than four ounces; missile having an explosive or incendiary charge of more than one-quarter ounce; mine; or device similar to any of the devices listed in this definition.

Violation of this ~~section rule~~ shall result in suspension from school for 365 days unless modified by the Superintendent or Board ~~of Education~~ on a case-by-case basis.

The 365-day suspension does not apply to any student who finds the firearm on school property or receives it from another person on school property and who delivers the weapon, immediately, to school or law enforcement authorities.

LEVEL V

~~A student fourteen (14) years of age or older may be expelled for a violation of this Code of Conduct if the Board determines the student's behavior indicates that the student's continued presence in the school constitutes a clear threat to the safety of other students or employees, and that there is no appropriate alternative educational program. Additionally, any student who is a registered sex offender under N.C. General Statutes 14-208 may be expelled.~~ Level V is the most serious level in this Code. While there are no separate Level V rules, the violation of one or more Level II, III, or IV rules in this Code becomes subject to Level V sanctions – meaning that a student may be permanently expelled from the Wake County Public School System – if all of the following criteria are met: (1) the student is fourteen (14) years old or older; (2) both the principal and the superintendent/designee recommend expulsion; (3) the superintendent and Board determine, consistent with the Board's "Due Process" policy, that there is a significant or important reason not to offer the student alternative educational services; and (4) the Board determines, by clear and convincing evidence, that the student's continued presence in school constitutes a clear threat to the safety of other students or school staff. Additionally, any student who is registered as a sex offender under Article 27A of Chapter 14 of the North Carolina General Statutes may be expelled in accordance with these procedures. If such a student is offered alternative education services on school property, the student must be under the supervision of school personnel at all times. This is a consequence of last resort. Principals are urged to consult with their area superintendents before recommending a student for permanent expulsion.

Adopted: June 6, 2017

Revised:

Wake County Board of Education